

REMARKS

Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 5 and 7-22 have been allowed and Claims 1-4 and 6 have been rejected by the Examiner. Claim 1 has been canceled without prejudice to further prosecution on the merits. Claims 2-4 and 6 have been amended. No new matter has been added. Accordingly, Claims 2-22 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 103

On pages 2 and 3 of the Detailed Action, the Examiner rejected Claims 1-4 and 6 as being unpatentable over Applicants' admission to the Prior Art ("APA") in view of U.S. Patent No. 3,255,928 to Foster ("Foster") under 35 U.S.C. § 103(a). Applicants respectfully traverse the rejection.

The Examiner stated that "APA discloses the prior art in claim 1, lines 1-7, except that a second projection extending upwardly and inwardly from an inside wall of the base." The Examiner further stated that "Foster teaches the use of a second projection (57) extending upwardly and inwardly from an inside wall of a base (58) toward a top portion (52) and configured to coact with a first projection (56) on a container (46)." The Examiner concluded that "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Foster's projection onto APA's inside wall of the base, in order to interlock the projections together under a downward pressure applied to the closure, as taught by Foster in (col. 5, ll. 30-41)." Applicants respectfully disagree.

Despite Applicants' traversal, Applicants' have chosen to cancel independent Claim 1 without prejudice to further prosecution on the merits. By canceling independent Claim 1,

Applicants wish to make it unmistakably clear that they do not agree to or acquiesce in the rejection to Claims 1-4 and 6 under 35 U.S.C. § 103(a). Independent Claim 1 has been canceled (without prejudice to further prosecution on the merits) only to obtain prompt allowance of claims reciting subject matter indicated as allowable by the Examiner. Applicants have also amended dependent Claims 2-4 and 6 so that these claims now depend from independent Claim 5 rather than independent Claim 1. The Examiner previously indicated that independent Claim 5 was allowable. Accordingly, dependent Claims 2-4 and 6 (as amended) are allowable for at least the reason of their dependency.

* * *

Applicants respectfully submit that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of the Applicants' claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Accordingly, Applicants respectfully request allowance of Claims 2-22.

Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper

or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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